

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK**

**UNITED STATES OF AMERICA**

**14-CR-6147-EAW**

**v.**

**SENTENCING STATEMENT**

**MUFID ELFGEEH,**

**Defendant.**

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MARK D. HOSKEN, Supervisory Assistant Federal Public Defender for the Western District of New York, affirms as follows:

1. I am an attorney licensed to practice law in the State of New York and the United States District Court for the Western District of New York. I represent the defendant, Mufid Elfgeeh.

2. The factual representations made in this Statement are based on my investigation, conversations with Mufid Elfgeeh, and a review of the Presentence Investigation Report [hereinafter PSR], dated February 11, 2016 and expected to be revised on March 1 or 2, 2016.

**I. INTRODUCTION**

3. On December 7, 2015, Mufid Elfgeeh pleaded guilty to Counts 2 and 3 of the Indictment. Those Counts alleged Mr. Elfgeeh attempted to Provide Material Support to a Foreign Terrorist Organization: ISIS/ISIL, in contravention of 18 U.S.C. § 2339B.

4. These guilty pleas were offered to the Court by means of a plea agreement constructed pursuant to Rule 11(c)(1)(C) of the FED.R.CRIM.P. The agreement requires this Court impose a sentence of imprisonment of 270 months at the time of sentencing or permit Mr. Elfgeeh an opportunity to withdraw his guilty pleas.

5. Sentencing is scheduled for March 17, 2016, at 2:00 PM.

6. Mr. Elfgeeh is one of the first individuals arrested and prosecuted for attempting to provide material support to ISIS/ISIL. Many others have been similarly prosecuted subsequent to Mr. Elfgeeh's arrest on May 31, 2014. Some arrested after Mr. Elfgeeh entered pleas of guilty and were sentenced. Others entered pleas and await sentencing.

7. Counsel for Mr. Elfgeeh reviewed and researched these similar prosecutions. Set out below are those matters resulting in guilty pleas that the defendant provided material support to a foreign terrorist organization: ISIS/ISIL.

8. The following list of comparable prosecutions is submitted to assist this Court determine whether the pleas offered by Mr. Elfgeeh pursuant to Rule 11(c)(1)(C) of the FED.R.CRIM.P., should be accepted and the cumulative term of 270 months imprisonment be imposed pursuant to that agreement.<sup>1</sup>

## **II. COMPARABLE PROSECUTIONS**

### **A. SENTENCED DEFENDANTS**

9. This section includes those individuals who pleaded guilty to crimes involving providing material support to ISIS/ISIL, 18 U.S.C. § 2339B. Each entry includes the person's name, the district of prosecution, the charge(s), the date of sentence and the prison sentence imposed.

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<sup>1</sup>None of the prosecutions listed include individuals who cooperated with the government and received sentence reductions for providing substantial assistance as those are not comparable to Mr. Elfgeeh.

10. Name: **Donald Ray Morgan**  
 District: MDNC  
 Charges: 2339B and 18 U.S.C. § 922(g)(1)  
 Sentence Date: May 14, 2015  
 Sentence Imposed: 180 months + 63 months = 243 months

Morgan, a previously convicted felon, sold an AK47 and another assault rifle to an FBI source. Later, Morgan flew to Beirut, Lebanon where he used social media to encourage support for ISIS fighters. Morgan flew from Beirut to Istanbul, Turkey hoping to enter Syria and join ISIS. He was denied entry to Turkey. He returned to Beirut and became more vocal in his support for ISIS culminating in an interview on NBC Nightly News. He was ultimately arrested at JFK airport upon his return to the U.S.

11. Name: **Leon Nathan Davis**  
 District: SDGA  
 Charges: 2339B  
 Sentence Date: July 28, 2015  
 Sentence Imposed: 180 months

Davis, a previously convicted felon and parolee, used social media to post support for ISIS. Davis purchased a one-way ticket from Atlanta to Istanbul, Turkey hoping to travel from Turkey to Syria to join ISIS. Davis illegally possessed 7 different firearms (including long guns and hand guns) in his home after his arrest.

12. Name: **Michael Todd Wolfe**  
 District: WDTX  
 Charges: 2339B  
 Sentence Date: June 5, 2015  
 Sentence Imposed: 82 months

Wolfe applied for and acquired a U.S. Passport in hopes of engaging in violent jihad. He purchased airline tickets to travel from Houston, Texas to Europe. His plan was to meet an individual (undercover FBI employee) whom Wolfe believed would assist him travel to Syria through Turkey.

## **B. DEFENDANTS AWAITING SENTENCING**

13. This section includes those individuals who pleaded guilty to crimes involving providing material support to ISIS/ISIL, 18 U.S.C. § 2339B, and who have yet to be sentenced.

Each entry includes the person's name, the district of prosecution, the charge(s), the sentencing date, the maximum exposure, and any agreement.

14.    Name:                    **Hasan Edmonds**  
        District:                NDIL  
        Charges:                2339B and Conspiracy  
        Sentence Date:        March 14, 2016  
        Maximum:                360 months  
        Agreement:              None
  
15.    Name:                    **Jonas Edmonds**  
        District:                NDIL  
        Charges:                2339B and 18 U.S.C. § 1001(a)(2)  
        Sentence Date:        March 14, 2016  
        Maximum:                180 months + 96 months = 276 months  
        Agreement:              252 months [Rule 11(c)(1)(C)]

Hasan and Jonas Edmonds are cousins. Hasan was a member of the National Guard. Jonas, a previously convicted felon, was 7 years older than Hasan. Hasan hoped to fly from Chicago to Egypt to join and train ISIS fighters. Hasan agreed with an undercover FBI employee to assist his cousin (Jonas) conduct an attack on the National Guard base where Hasan was housed. Hasan and Jonas planned an attack wherein Jonas would assume Hasan's identity and attack fellow guardsmen on the base. Hasan provided a map and detailed information about the base to Jonas. Jonas drove with Hasan to the airport. Hasan hoped to fly overseas to join ISIS while Jonas would conduct his assault on the base in Joliet, IL. They were arrested at the airport.

16.    Name:                    **Adam Dandach**  
        District:                CDCA  
        Charges:                2339B and 18 U.S.C. § 1542  
        Sentence Date:        April 25, 2016  
        Maximum:                180 months and 120 months = 300 months  
        Agreement:              Government recommends 240 months

Dandach maintained multiple Twitter accounts which he used to contact prominent ISIS members. He applied for and received a U.S. Passport for travel to Greece with hopes of joining ISIS in Syria. Family members hid his passport. Undaunted, Dandach fraudulently obtained a new passport which he used when purchasing a one way plane ticket from Los Angeles, CA to Istanbul. He was arrested and subsequently provided false statements to the FBI.

17. Name: **Hanad Mustofe Musse**  
 District: District of MN  
 Charges: 2339B (Conspiracy)  
 Sentence Date: Not set yet  
 Maximum: 180 months  
 Agreement: None

Musse was one of several Somali friends between the ages of 18 and 20. This group was recruited by others to join ISIS in Syria. Some would fly from New York to Istanbul. Others would fly from San Diego to Istanbul. They were stopped from boarding their planes in the U.S. All returned to Minnesota and devised a new plan with the help of an FBI confidential human source. The revised plan included driving to San Diego, entering Mexico, and flying to Istanbul. They were arrested in San Diego.

18. Name: **Nicholas Michael Teasant**  
 District: EDCA  
 Charges: 2339B  
 Sentence Date: June 7, 2016  
 Maximum: 180 months  
 Agreement: None

Teasant, posted pro-ISIS materials on social media. He told an FBI confidential human source that he wanted to travel to Syria to join the Mujahedeen. He further informed the source that he would blow up a day care center that his daughter attended. Teasant repeatedly told the source that he wanted to do something now. Teasant sold his computer in hopes of securing funds to travel to Canada to further his journey to join ISIS. A review of the computer showed it contained material including web searches for building a bomb. He was arrested in Seattle as he traveled to Canada.

19. Name: **Samuel Rahamin Topaz**  
 District: District of NJ  
 Charges: 2339B  
 Sentence Date: September 19, 2016  
 Maximum: 180 months/possible 240 months  
 Agreement: Government agrees not to seek more than 180 months
20. Name: **Nader Saadeh**  
 District: District of NJ  
 Charges: 2339B (Conspiracy)  
 Sentence Date: October 5, 2016  
 Maximum: 180 months  
 Agreement: None

21.     Name:                   **Alaa Saadeh**  
       District:               District of NJ  
       Charges:               2339B (Conspiracy)  
       Sentence Date:        April 19, 2016  
       Maximum:              180 months  
       Agreement:            None

The Saadeh brothers and Topaz were part of a group of friends between the ages of 19 and 23 who wanted to join ISIS. Topaz's mother contacted the FBI based on fears that one of her sons was going to Syria to join ISIS. FBI surveillance intercepted several messages between Topaz and the Saadeh brothers regarding their purchase of plane tickets to Turkey in hopes of joining ISIS in Syria.

22.     The agreed upon plea in the instant case (if accepted) mandates this Court impose 270 months (22 ½ years) or otherwise afford Mr. Elfgeeh an opportunity to withdraw his pleas of guilty. Should this Court sentence Mr. Elfgeeh to the agreed term of 270 months, he will receive the longest prison term imposed for an individual who attempted to provide material support to ISIS/ISIL.

### **CONCLUSION**

23.     Based on all of the above, it is respectfully requested that Your Honor accept the Rule 11(c)(1)(C) plea and sentence Mr. Elfgeeh to the agreed upon term of 270 months. Further, it is requested this Court not impose a fine as Mr. Elfgeeh remains indigent.

Dated: March 1, 2016

/s/Mark D. Hosken

Mark D. Hosken

Supervisory Assistant Federal Public Defender

Federal Public Defender's Office

28 E. Main Street, Suite 400

Rochester, New York 14614

(585)263-6201

Mark\_Hosken@fd.org

Attorney for Mufid Elfgeeh

To: Brett Harvey, AUSA  
Frank Sherman, AUSA  
Kerry Chartier, USPO